

REMARKS

Claims 1-34 and 36-41 were previously pending in this application. Applicant respectfully thanks the Examiner for his indication that claims 30-32 are allowable. By this amendment, Applicant is canceling claims 1-17 and 36-41 as being drawn to a non-elected invention without prejudice or disclaimer. Applicant maintains the right to pursue the subject matter of any of the canceled claims in continuing applications. Claim 18 is amended in order to expedite the prosecution of this application. Claims 19-29 and 33 are amended to correct the antecedent bases in light of the amendment of claim 18. As a result, claims 18-34 are pending for examination with claim 18 being an independent claim. No new matter has been added.

Interview with Examiner Vander Vegt

Applicant respectfully thanks the Examiner for granting an interview with Applicant's representative. During the interview, it was indicated by the Examiner that he would favorably consider an amendment of independent claim 18 to remove the functional limitations recited in the claim. Additionally, the Examiner correctly pointed out that the proposed amendment to claim 18 would require Applicant to also amend some of the dependent claims to correct the antecedent bases in the claims in light of the amendment to claim 18. Applicant has amended the claims according to Examiner's suggestion in order to expedite the prosecution of this application.

Rejections Under 35 U.S.C. §112

The Examiner has rejected claims 18-29 and 33-34 under 35 U.S.C. §112, first paragraph, as containing subject matter that was not described in such a way as to reasonably convey to one skilled in the art that the inventors at the time the application was filed had possession of the claimed invention.

The rejection is based on the use of functional language and functional limitations in the claims. While not conceding the correctness of the Examiner's rejection, Applicant has amended the claims as described above in order to expedite the prosecution of this application. The functional language and the limitations to functional variants have been removed.

Additionally, Applicant wishes to make of record that it appears that claims 23-25 were mistakenly included in this rejection. These claims are directed to the specific antibodies produced by the deposited hybridomas. Therefore, Applicant asserts that at the time the application was filed Applicant had possession of the subject matter of claims 23-25.

Accordingly, withdrawal of the rejection of claims 18-29 and 33-34 under 35 U.S.C. §112, first paragraph is respectfully requested.

The Examiner has also rejected claims 18-29 and 33-34 under 35 U.S.C. §112, first paragraph, as being not sufficiently enabled by the specification to enable one skilled in the art to make the invention commensurate with the scope of the claims.

While not conceding the correctness of the Examiner's rejection, Applicant has amended the claims to remove the limitations relating to functional variants as described above in order to expedite the prosecution of this application. The amendment should be sufficient to overcome the rejections.

Additionally, claims 23-25, which are directed to the specific antibodies produced by the deposited hybridomas, were rejected. As discussed in the interview with the Examiner, one of skill in the art is enabled to produce the antibodies from the deposited hybridomas.


Accordingly, withdrawal of the rejection of claims 18-29 and 33-34 under 35 U.S.C. §112, first paragraph is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's representative at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
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